REMARKS

The present amendment is in response to the Office Action dated April 6, 2005, where the Examiner rejects claims 27-44. In response Applicant cancels the first set of method claims 27-34 and claim 39, amends claims 35-38 and 41-44, and adds new claims 45-49 dependent on claim 43. Reconsideration and allowance of the pending claims in view of the amendments and the following remarks are respectfully requested.

A. Informalities of Specification, Office Action Paragraph 6.

a. Regarding the amended paragraph, the Applicant's representative reviewed the US publication US20020165000 of the original specification (paragraph [30]) to verify the correct "original" status of the paragraph. (Applicant refers to this publication for clarity.) Only one typographical error exists in the fourth sentence of the paragraph as follows:

"For example, if the wireless communication device 100 is a wireless telephone, then in block 200 302 the telephone is turned on but no voice or data connection is made with the wireless communications network 200"

In the first response to the first office action, Applicant attempted to correct this typo, and Applicant assumes that the amendment was entered. Unfortunately, in the amendment, Applicant's representative introduced another typo, and the Examiner then required correction of this typo, that is, "d3evice" to --device--. In a response to a subsequent office action, Applicant's representative attempted to correct this typographical error, and added yet another typographical error, which the present Examiner has noted and did not enter. Applicant's representative is afraid she might add yet another typographical error if she tries to do anything to the paragraph. Thus, unless the Examiner requires otherwise, Applicant believes that no further amendment is required on this paragraph.

b. Applicant has amended claim 42 to add the "of" as required by the Examiner.

B. Rejection under 35 U.S.C. §112 of claims 27, 34, 35, 37, 38, 44

Applicant has reviewed all claims as requested by Examiner to ensure that the claims contain subject matter which is described in the specification. In response, Applicant has amended the rejected claims 35, 37, 38 and 44 (27 and 34 are canceled) as well as other claims to comply with the written description requirement. Specifically, the claims are amended to agree with the description of paragraphs [0030] - [0036], as numbered in the US publication for this application, wherein it is described that the proxy server (not the SMS center as previously claimed) converts the IM messages to SMS formatted messages, and wherein the proxy server establishes presence information and determines active status of the wireless communication device, etc. Applicant asserts that these amendments put the claims in a state for allowance as the cited prior art does not teach or suggest a proxy server as discussed below.

C. Rejection under 35 U.S.C. §102(e)

The Examiner rejects independent claims 35 and dependent claims 36-42 under 35 U.S.C. 102(e) as being anticipated by the Carey Patent No. 6,714,793 (hereinafter the Carey patent). Claim 43 is rejected as being anticipated by the Mendiola Publication US2002/0143916, hereinafter the Mediola publication. In response, Applicant amends independent claims 35 and 43 to claim an embodiment of Applicant's invention in which the proxy server intercepts and stores messages intended for a wireless communications device. The proxy server then processes the message as claimed in the dependent claims.

Applicant discloses the use of a "proxy server" which stands in for, or substitutes, for the wireless communication device on an Instant Messaging (IM) network. (See for example "proxy" as defined by Webster's Ninth New Collegiate Dictionary, Merriam-Webster, Inc. 1987). Referring to the cited prior art, Carey's "instant message routing server" 24, as shown in Figure 1, acts as a converter and conduit, only, between an IM and an SMS network. Referring to the flow chart of Figures 6 and 7 of Carey, if the recipient is the instant message routing server, block 144, the instant message routing server prepares the entire instant message and sends it to the short message service

center, block 150. The mobile unit, through the carrier, either receives or does not receive the message, block 162. If the message is not received, the mobile carrier sends a message to the instant message routing server, block 174. The instant message routing server then logs off the instant message server, block 176. If the mobile unit receives the message, then the short message service center deletes the stored message, block 166. Thus, Carey's routing server does not store or make decisions about how to handle messages beyond simply converting and routing the messages. The Mendiola publication also does not disclose the use of a proxy server. As shown in Figure 1 of Mendiola, a SMSC 106 is connected to an internet 113, and the internet 113 is connected to an instant message server system 13. A proxy server is neither taught nor suggested by Mendiola.

In contrast, as disclosed by Applicant in paragraphs [0036] - [0039] and Figure 3 of the publication, the proxy server may save the entire instant message for the user and decide whether to notify the user of the message, send a part of the message, send an identifier of the message, etc. Therefore, the proxy server disclosed and claimed by Applicant servers as a proxy for the wireless communications device, that is, the proxy server is more than just a routing server as disclosed by Carey. As such, Applicant asserts that the claims are patentable over the prior art as further discussed below. Applicant respectfully requests that the Examiner issue a notice of allowance for all of the pending claims.

1. Independent claim 35, and dependent claims 36-38 and 40-42

Independent apparatus claim 35 is not anticipated in view of the Carey patent (US 6714793) since the Carey patent fails to teach or suggest each and every element of independent claim 35. Specifically, claim 35 comprises, among other things,

> "the proxy server having a first connection to the SMS center and a second connection to a data network, the proxy server for establishing a substitute proxy presence for the wireless communications device, the proxy server for transmitting presence information to the instant messaging service to indicate that the wireless communications device is online upon receipt of the log in

request, the proxy server for maintaining the substitute proxy presence for the wireless communications device to indicate that the wireless communications device is online when the wireless communications device is in the active state, and the proxy server for intercepting and storing an instant message addressed to the wireless communications device"

The Carey patent does not teach or suggest a proxy server that intercepts and stores an instant message intended for a wireless communications device as claimed in claim 35 by Applicant. Thus, claim 35 is patentable over the prior art. Further, the other cited prior art including the Mendiola publication and the Gudjonsson and the Polychronidis patents fail to cure the basic deficiencies of the Carey patent. The dependent claims add further limitations on the patentable base claim. As such, Applicant respectfully requests that the Examiner issue a notice of allowance for independent claim 35 and the claims dependent thereupon.

2. Independent claim 43, and dependent claim 44-49

Independent method claim 43 is not anticipated in view of the Mendiola publication since the Mendiola fails to teach or suggest each and every element of independent claim 43. Specifically, claim 43 comprises the steps of, among other things,

"the proxy server establishing a stand-in on-line presence for the wireless communications device with the instant messaging service upon receipt of the request from the wireless communications device;

the proxy server maintaining the stand-in on-line presence as long as the wireless communications device remains in the active message state; and

the proxy server intercepting and storing at least one instant message intended for the wireless communications device"

Mendiola does not disclose the use of a proxy server as discussed above. Further, the other cited prior art including the Carey, the Gudjonsson and the Polychronidis patents fail to cure the basic deficiencies of Mendiola. The dependent claims add further limitations on the patentable base claim. As such, Applicant respectfully requests that

the Examiner issue a notice of allowance for independent method claim 43 and the claims dependent thereupon.

D. Rejection under 35 U.S.C. §103(a)

The Examiner rejects method claims 27-34 as being unpatentable over Gudjonsson in view of Polychronidis. Dependent claim 44 is rejected as being unpatentable over Mendiola in view of Carey.   Applicant has canceled claims 27-34. Some of the canceled independent method claims are amended and added to depend on independent method claim 43. However, as discussed in section C(2) of this response, the cited prior art does not teach or suggest the invention as claimed in independent claim 43 and dependent claims 44-49. Specifically, the cited art does not teach a proxy server with intercepts and stores an instant message intended for a wireless communications device.

E. Conclusion

Applicant asserts that the pending claims are now patentable over the cited prior art, and Applicant respectfully requests that the Examiner issue a notice of allowance for all of the pending claims 35-38 and 40-49.

Applicant requests that the Examiner telephone the attorney for Applicant at the telephone number listed below should the Examiner believe that prosecution of this application might be expedited by further discussion of the issues.

Respectfully submitted,

Dated: August 8, 2005   By: _____
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